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Edinburgh Airport Limited
Scotland
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29 October 2018

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CAA MINDED TO REJECT EDINBURGH AIRSPACE CHANGE PROPOSAL

Introduction

During the CAP 725 Airspace Change Process, Stage 5 Regulatory Decision case study analysis, issues have become apparent relating to information shown in Edinburgh Airport Limited's ("EAL") Stage 4 consultations and the airspace change proposal submitted to the CAA for decision.

In addition, as you may be aware, on 6 September 2018, the CAA received a request for the EAL airspace change decision to be called in by the Secretary of State under Direction 6 of the *Civil Aviation Authority (Air Navigation) Directions 2017*. Until the Secretary of State makes a determination in accordance with Direction 6(2) that the call-in criteria have or have not been met, and if so, whether to call-in the airspace change proposal, the CAA cannot make a decision on a proposal.

However, in order to appraise you of developments as soon as possible, we are issuing this letter setting out our intended decision, or should the proposal be called in by the Secretary of State, our view in accordance with Direction 6(3)(a).

As a result of the issues identified in this letter the CAA intends to reject EAL's airspace change proposal dated 15 October 2018.

This is not a request for further submissions or changes to the proposal, merely notification of the CAA's intention whilst the procedure for determining whether the decision will be called in by the Secretary of State completes.

It should be noted that the CAA has not completed its review of the Proposal and there may be additional issues to those identified here, however, those identified to date are such that the CAA will reject the Proposal.

Chronology and Documents

As there have been a number of consultations and proposals submitted to the CAA by EAL, we briefly set out those relevant or referenced herein for ease of reference:

'Consultation 1' commencing June 2016

'Consultation 2' commencing January 2017

'Consultation 2 Report' dated July 2017

'Consultation 3' commencing May 2018

'Consultation 3 Report' dated August 2018

Airspace Change Proposal v1.0 dated 3 August 2017

Airspace Change Proposal v1.1 dated 9 August 2017 ("**ACP v1.1**")

EAL document titled "What we have proposed and why" dated October 2017 ("**ACP Rationale**")

Airspace Change Proposal v2.0 dated 3 August 2018 ("**ACP v2.0**")

Airspace Change Proposal v2.1 dated 15 October 2018 ("the **Proposal**")

Reasons the Proposal cannot be approved

In summary, EAL has submitted a Proposal that does not accord with the material that was provided to stakeholders in consultation or the outcomes of those consultations.

As outlined in further detail below, the average daily number of flights for a number of the proposed Standard Instrument Departures (SIDs) in the Proposal have not been adequately reflected in Consultations 2 and 3. In particular, the proposed changes to SID utilisation (primarily on routes B2, E7a and G5) propose a substantial increase in daily average number of flights to that reached through consultation.

Before making its decision, the CAA raised this issue with respect to ACP v2.0 with your consultant, NATS by telephone and in an email to which you were copied on 26 September 2018, including a request for an explanation as to why it had occurred, and where it had been communicated in feedback reports. NATS's response did not address the consultation issue and indeed, in EAL's further revision to its proposal, the number of flights per day were increased again, without additional explanation in the Proposal. A copy of the email and response are included at Annex A.

Consequently, the CAA is of the view that the material relied upon and presented to stakeholders for consultation substantially differs from that submitted to the CAA in the Proposal.

For your reference, we have enclosed a consolidated overview of the average daily number of flights published for each departure routes B2 (LIKLA1C), E7a (EMJEE1D) and G5 (VOSNE1D) based on figures extracted from consultation and submitted material. (Annex B)

Route B2

In Consultation 2 EAL indicated that route B2 could expect 36 flights per day in 2016 rising to 49 flights per day in 2023.¹ Following its consideration of stakeholder feedback from Consultation 2, EAL stated in the ACP Rationale:

¹ Consultation 2 page 54

*“B2 would only be used during the day time (06:00-22:59). It is expected that there would be approximately **six flights using this flight path per day** in 2018 when R24 is in use and seven flights using this flight path per day in 2024. This is a reduction in the number of flights proposed to use this flight path during the second consultation.”² (emphasis added)*

In the Proposal, EAL now suggests a number of flights per day of 69.3 in 2019, rising to 74.4 by 2024, this coincides with a reduction of flights per day on route B5 from 93 in 2018 in the ACP Rationale to 23.1 in the Proposal.

Although the proposed switch of departures from B5 to B2 appears to reduce the impact on Livingston it increases overflight close to other areas such as Uphall, Broxburn and Dechmont before reaching the less populated areas to the northwest. Whilst these latter areas may have a smaller population, the CAA consider that those populations have not been effectively engaged on the impacts the increase in traffic may have nor the extent and effects of the proposed change properly communicated to all stakeholders.

Additionally, the B2 LIKLA 1C SID Leq contours submitted with the Proposal differ from those used in consultation and show a different population affected. Coupled with the significantly increased traffic, stakeholders would not be in a position to understand the effect of the change as submitted.

It is not uncommon for a submitted airspace change proposal to be brought forward with some changes to the material that was consulted on, indeed we would expect tweaks to designs based on stakeholder feedback. Any feedback taken forward from a consultation (which does not significantly change design/impacts enough to warrant further consultation/targeted engagement) should be highlighted to stakeholders in a post consultation feedback report (an example, whilst not CAP725, would be the CAP1616 principle of ‘We asked, you said, we did’).

However, the Proposal does not explain the changes in traffic figures at all, and indeed even if it did so, the difference in number of flights is so significant to that consulted upon and reached through consultation that the CAA considers EAL has not consulted with stakeholders in a manner that would allow them to adequately consider and respond to the Proposal as made, rendering the consultation nugatory.

Route E7a

In Consultation 2 EAL indicated that route E6 (then the preferred option) could expect 41 flights per day in 2016 rising to 49 flights per day in 2023.³ Following its consideration of stakeholder feedback from Consultation 2, EAL stated in its ACP Rationale that E7 was preferred, and flights would increase to 99 and 111 flights per day respectively.⁴

As route E7 suffered from operational design flaws and required redesign following the submission of ACP v1.1, EAL consulted for a third time on route E7a, indicating in Consultation 3 that the actual number of departures per day in 2016 was 41, rising to 47 in 2024.⁵ No reason is provided for this reduction from those figures attained in the ACP Rationale, however, we would regard Consultation 3 as providing the definitive flight numbers, being the final consultation on this route.

² ACP Rationale at page 25

³ Consultation 2 at page 84

⁴ ACP Rationale at page 30

⁵ Consultation 3 at page 5